

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  IOWA TELECOM COMMUNICATIONS, INC.	DOCKET NOS. TCU-01-14 TF-01-344 WRU-01-54-263
--	---

**ORDER APPROVING TARIFF, GRANTING WAIVER, AND  
ISSUING CERTIFICATE**

(Issued December 12, 2001)

On November 7, 2001, Iowa Telecom Communications, Inc. (ITC), filed a tariff with the Utilities Board (Board) providing the terms, conditions, and rates for local exchange service for residential and business customers in the Oskaloosa exchange as described in the local exchange maps in the tariffs of Qwest Corporation (Qwest). ITC states that it provided notice to all affected local exchange carriers. The proposed tariff has been identified as Docket No. TF-01-344.

On August 1, 2001, the Board issued an order in Docket No. TCU-01-14, approving ITC's application to provide service in the listed exchanges and approving the concurrence in the exchange maps of Qwest for those exchanges. The order states that a certificate would be issued when ITC gave notice to all affected local exchange carriers and when ITC obtained an approved tariff setting forth the prices, terms, and conditions of local exchange service in Iowa. ITC requests the Board approve the proposed tariff and grant it a certificate to provide service in the listed exchanges.

The Board has reviewed the proposed tariff and finds it substantially complies with Board rules for the filing and processing of tariff pages. The tariff contains rates for both business and residential customers. ITC states that notice was provided to all affected carriers. The Board will approve the tariff effective the date of this order and issue ITC a certificate concurrent with this order.

ITC has also requested that the Board waive the requirements of 199 IAC 22.3(1). The waiver request is identified as Docket No. WRU-01-54-263.

ITC requested a waiver of 199 IAC 22.3(1), which requires local exchange utilities to publish telephone directories. The Board will grant the waiver based upon the statement of ITC that it will arrange for its customers to be included in the directory of the incumbent carrier.

Rule 199 IAC 1.3 states that the Board may grant waivers of its rules based upon clear and convincing evidence that the application of the rule would pose an undue hardship, the waiver would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board has considered the waiver request as described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing.

Adherence to this rule would be an undue hardship on a competitive telecommunications company just beginning to do business in Iowa and would be an undue hardship on ITC because other competitive carriers have been granted similar

waiver requests. The Board finds there are no substantial legal rights of any person that are affected by this waiver and there is no statute that specifically mandates the action waived. Additionally, the Board finds that there will be substantial equal protection for health, safety, and welfare provided since the action waived will be completed under different circumstances.

**IT IS THEREFORE ORDERED:**

1. The tariff filed by Iowa Telecom Communications, Inc., on November 7, 2001, is approved effective the date of this order.
2. The waiver of 199 IAC 22.3(1) is granted as described in this order.
3. A certificate, identified as Certificate No. 0243, is being issued to Iowa Telecom Communications, Inc., concurrent with this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 12<sup>th</sup> day of December, 2001.